United Nations S/AC.49/2006/24

Security Council

Distr.: General
30 November 2006

Original: English

Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 14 November 2006 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, with reference to paragraph 11 of resolution 1718 (2006), has the honour to submit the report of the Government of Romania on the steps taken by Romania with a view to implementing effectively the provisions of paragraph 8 of resolution 1718 (2006) (see annex).

06-64666 (E) 271206

Annex to the note verbale dated 14 November 2006 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

Report submitted by Romania

on the implementation of the Security Council resolution 1718 (2006)

Paragraph 11 of Security Council resolution 1718 (2006) calls upon all Member States of the United Nations to report to the Security Council within thirty days of the adoption of the resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 of resolution 1718 (2006).

According to the provisions of the Romanian legislation (Law no.206/2005[1]), the United Nations Security Council Resolution 1718 (2006) was published in the *Romanian Official Journal no. 916 of 10 November 2006*, becoming thus legally binding for all the Romanian subjects.

However, the enforcement of the provisions of resolution 1718 (2006) by the Romanian institutions had been initiated on the date of its adoption.

Referring to the provisions of paragraph 8 of resolution 1718 (2006), the following measures have been taken:

a. The authorized Romanian companies involved in foreign trade with military and dual-use goods were formally notified on the provisions of resolution 1718 (2006) (performed by ANCEX[2]);

b. A formal decision[3] was taken aimed at denying direct or indirect supply, sale or transfer to the DPRK, through Romania's territory or by its nationals, or using its flag vessels or aircraft, and whether or not originating in its territory, of:

   i. All military products referred to in paragraph 8 (a) (i) of resolution;

   ii. All dual-use goods and technologies or other material and equipment which could contribute to the development of nuclear-related, ballistic missiles-related or other weapons of mass destruction programs, as set out in the lists in documents S/2006/814 and S/2006/815 referred to in paragraph 8 (a) (ii)[4], as well as in the list contained in document S/2006/853;

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[1] Law 206/2005 regarding the implementation of international sanctions provides a legal mechanism for the implementation in the internal legal order of sanctions adopted by the Security Council on the basis of Chapter VII of the United Nations Charter and of the sanctions adopted by the European Union within the framework of the Common Foreign and Security Policy.

[2] The National Agency for Export Controls (ANCEX) was established in 1992 and is responsible for the enforcement of Government policy on export control of military and dual-use goods and technologies. Since 2001, ANCEX is subordinated to the Romanian Ministry of Foreign Affairs.

3 The National Agency for Export Controls (ANCEX) has an effective and immediate mechanism for the enforcement of the embargoes on military goods imposed by the UN Security Council Resolutions, Common Positions and Joint Actions adopted by the EU Council, OSCE Decisions or imposed by a NATO Member State. In conformity with the Government Ordinance no.158/1999, amended and updated by the Law 595/2004: *"Article 28 – The Agency shall deny issuance of a license for operations involving military goods if the final recipient's state is under an embargo on weapons transfers established by a resolution of the United Nations Security Council, a joint position or a common action adopted by the Council of the European Union, or a decision by the Organization for Security and Co-operation in Europe."*

[4] Although Romania is not a member of the Missile Technology Control Regime (MTCR), its Guidelines are voluntarily implemented at national level since 1992.

c. Several Romanian institutions have been conducting activities aimed at preventing any direct or indirect supply, sale or transfer to the DRPK by intermediate individuals or entities acting on Romanian territory, of nuclear-related products or other material which could be used for the manufacture of WMD or conventional armaments envisaged by the paragraph 8 of resolution 1718 (2006). Furthermore, a special process was initiated, meant to identify Romanian nationals who can provide to DPRK technical training, advice, services or assistance related to provision, manufacture, maintenance or use of the items in paragraphs 8 (a) (i) and 8 (a) (ii);

d. A thorough verification process was initiated in order to verify all the procurement contracts with entities suspected to have direct or indirect connections with DPRK organizations or supporting or promoting DPRK policies related to nuclear or ballistic-missile programmes;

e. A mechanism was set up for the exchange of information between all competent Romanian authorities regarding the DPRK's funds, other financial assets and economic resources to be used in nuclear weapons proliferation or ballistic missiles programmes;

f. Several measures were also adopted in order to prevent any bilateral military and civilian relations with DPRK that may entail acquirements of military products or dual-use goods. Against this background, any activity related to joint training (if any), bilateral or multilateral exercises, official visits, agreements and MoUs will be monitored by the Romanian Ministry of Foreign Affairs and Ministry of Defence;

g. The competent Romanian institutions initiated the appropriate verification, in accordance with the national legislation, of items considered *luxury goods* that fall under the sanctions in accordance with paragraph 8 (a) (iii);

h. The Government of Romania is fully committed to take all necessary steps to implement the financial sanctions and the travel restrictions covered in paragraphs 8 d) and 8 e) once the persons or entities referred to in the paragraphs 8 d), 8 e) and 12 e) have been designated. As at the date of this report, no person or entity had been designated by the Security Council or by the Committee established pursuant to resolution 1718 (2006). All competent Romanian institutions are dully informed and fully aware of their obligations;

i. The National Bank of Romania issued an internal order referring to the obligations for the credit/financial institutions pursuant to resolution 1718 (2006). Furthermore, the Romanian National Securities Commission, the autonomous administrative authority responsible for the regulation and the survey of financial markets, communicated to all its subjects the relevant information concerning resolution 1718 (2006), and undertook to prevent the issuance of any authorizations to the entities under its surveillance, which may be contrary to the provisions of resolution 1718 (2006).

j. The institutions involved in the legal mechanism established by Law 206/2005 regarding the implementation of the international sanctions will meet periodically in order to discuss the imposed measures and to maintain a continuous flux of information. Furthermore, under the provisions of Law 206/2005, the Romanian Ministry of Foreign Affairs shall constantly inform the competent Romanian authorities on any delay, violation or failure to implement the sanctions imposed by resolution 1718 (2006).